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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,638	03/05/2002	Richard A. Bardini	SONY-16000	9147
28960	7590	08/30/2006		
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER HAMANN, JORDAN J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/091,638		BARDINI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jordan Hamann		2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 and 32-49 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,8-10,20,22,25 and 27 is/are rejected.
- 7) ☒ Claim(s) 3,5-7,11,21,23,24,26,28-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: page 9 line 21 "an back channel" should be --a back channel--, page 10 lines 8-9 appear to be alternative solutions and so should be written in the alternative, same with page 11 lines 16-25 and page 13 lines 20-22, page 15 line 3 the serial number and filing date of the reference application are missing.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 8, 20, 22, 25 & 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mallory (US 6,335,933).

With respect to claims 1 & 8, Mallory discloses a method of performing retransmission and flow control comprising:

configuring a back channel between a transmitting device and a receiving device for providing retransmission and flow control information from the receiving device to the transmitting device related to a stream of isochronous data packets transmitted from the transmitting device to the source device;

monitoring the stream of isochronous data packets received at the receiving device for necessary retransmission or flow control (column 2 line 67 to column 3 line 2);

configuring a back channel packet for indicating a retransmission or flow control function to perform (column 3 lines 2-5); and

transmitting the back channel packet from the receiving device to the transmitting device over the back channel (column 3 lines 2-5).

It is interpreted that a channel is configured for the receiver to send a back channel packet to the transmitting device as disclosed.

While Mallory does not specifically disclose the stream of packets to be isochronous, column 2 lines 19-22 discloses part of the problem Mallory is solving is the prior art having problems with delay sensitive packet flows such as audio/video data and it is interpreted that this is the type of packet flow in the invention of Mallory.

With respect to claim 4, Mallory discloses the method according to Claim 1 wherein the back channel packet includes a control instruction that instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets (column 7 lines 8-11).

With respect to claim 20, Mallory discloses a method of transmitting flow control and retransmission information comprising:

configuring a transmitting plug on a receiving device for transmitting an isochronous back channel packet over an isochronous channel via the transmitting plug to a transmitting device;

determining flow control and retransmission information based on the status of a received isochronous data packet at the receiving device, wherein the received isochronous data packet is one of a stream of isochronous data packets transmitted from the transmitting device to the receiving device (column 2 line 67-column 3 line 2);

packetizing flow control and retransmission information within the isochronous back channel packet; and

transmitting the isochronous back channel packet from the receiving device over the isochronous back channel via the transmitting plug (column 3 lines 2-5).

Plug is interpreted as a channel endpoint. Each channel end point inherently needs to be configured to communicate with each other.

With respect to claim 22, Mallory discloses the method according to Claim 20 wherein the status of the received isochronous data packet indicates a packet transmission error and instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets (column 7 lines 9-11).

With respect to claim 25, Mallory discloses a method of receiving flow control and retransmission information comprising:

configuring a receiving plug on a transmitting device for receiving an isochronous back channel packet from a receiving device, wherein the isochronous back channel packet is received over an isochronous channel via the receiving plug;

receiving the isochronous back channel packet via the receiving plug(column 3 lines 2-5);

reading flow control and retransmission information included within the isochronous back channel packet wherein the flow control and retransmission information relates to a stream of isochronous data packets transmitted from the transmitting device to the receiving device and provides a control instruction to the transmitting device to regulate transmission of the stream of isochronous data packets (column 7 lines 9-11); and

regulating transmission of the stream of isochronous data packets as determined by the control instruction (column 3 lines 7-8).

With respect to claim 27, Mallory discloses the method according to claim 25 wherein the control instruction instructs the transmitting device to reset transmission of the stream of isochronous data packets starting from a specified packet within the stream of isochronous data packets(column 7 lines 9-11).

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghodrat et al. (US 6,717,947).

With respect to claim 1, Ghodrat discloses a method of performing retransmission and flow control comprising:

configuring a back channel between a transmitting device and a receiving device for providing retransmission and flow control information from the receiving device to the transmitting device related to a stream of isochronous data packets transmitted from the transmitting device to the source device;

monitoring the stream of isochronous data packets received at the receiving device for necessary retransmission or flow control (column 7 lines 40-42);

configuring a back channel packet for indicating a retransmission or flow control function to perform (column 8 lines 33-34); and

transmitting the back channel packet from the receiving device to the transmitting device over the back channel (column 7 lines 37-40).

It is interpreted that a channel is configured for the receiver to send a back channel packet to the transmitting device as disclosed.

With respect to claim 2, plug is interpreted as a channel endpoint. Each channel end point inherently needs to be configured to communicate with each other.

With respect to claims 9 & 10, Ghodrat discloses data transfer on an IEEE 1394 bus, which supports both asynchronous and isochronous transfers. The back channel packet may be sent either as an isochronous data packet or an asynchronous data packet.

***Allowable Subject Matter***

Claims 12-19 & 32-49 are allowed.

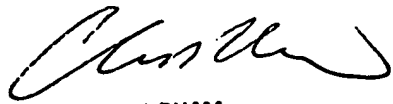
Claims 3, 5-7, 11, 21, 23, 24, 26 & 28-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan Hamann whose telephone number is (571) 272-8564. The examiner can normally be reached on Monday-Thursday 8:30-5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CHI PHAM  
PERMISSORY PATENT EXAMINER  
1/6/06